

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JOSEPH BOTELHO,)
Plaintiff,)
v.) C.A. No. 14-516 S
A.T. WALL,)
Defendant.)

)

ORDER

WILLIAM E. SMITH, Chief Judge.

On December 10, 2014, United States Magistrate Judge Lincoln D. Almond issued a Report and Recommendation ("R&R") in the above-captioned matter (ECF No. 3), denying Joseph Botelho's ("Petitioner") Application to Proceed Without Prepayment of Fees ("Application," ECF No. 2). Judge Almond found that Petitioner had the ability to pay the required \$5.00 filing fee, based on the balance of Petitioner's prison account, and his prison job. Petitioner objected to the R&R by filing a form indicating that he had attempted to draw \$5.00 from his prison account subsequent to issuance of the R&R, but was denied due to insufficient funds (ECF No. 4). This Court agrees with Judge Almond's rationale and accepts the R&R, but due to Petitioner's unsuccessful attempt to pay the \$5.00 filing fee, provides Petitioner 45 days from the date of this Order to pay. If

Petitioner fails to do so, this action will be dismissed without prejudice.

The R&R is hereby ADOPTED, and Petitioner directed to pay the \$5.00 filing fee within 45 days of this Order.

IT IS SO ORDERED.



William E. Smith
Chief Judge
Date: March 20, 2015